

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ROBERT MICHALSKI, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

v.

WEBER INC., CHRISTOPHER
SCHERZINGER, WILLIAM HORTON,
MARLA KILPATRICK, KELLY D.
RAINCO, ELLIOTT HILL, MARTIN
MCCOURT, MELINDA R. RICH, JAMES
C. STEPHEN, GOLDMAN SACHS & CO.
LLC, BOFA SECURITIES, INC., J.P.
MORGAN SECURITIES LLC, BMO
CAPITAL MARKETS CORP., CITIGROUP
GLOBAL MARKETS INC., UBS
SECURITIES LLC, WELLS FARGO
SECURITIES, LLC, KEYBANC CAPITAL
MARKETS INC., ACADEMY
SECURITIES, INC. CABRERA CAPITAL
MARKETS LLC, SIEBERT WILLIAMS
SHANK & CO., LLC, and TELSEY
ADVISORY GROUP LLC,

Defendants.

Case No. 1:22-cv-03966

Judge Elaine E. Bucklo

Magistrate Judge Heather K. McShain

**NOTICE OF NON-OPPOSITION OF BRANDON MCLENDON TO COMPETING
MOTIONS FOR APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF
COUNSEL**

Brandon McLendon filed a timely motion for consolidation of related actions, appointment as lead plaintiff, and approval of his selection of counsel. Dkt. No. 5. Three similar motions were filed by other putative class members in this action. Dkt. Nos. 8, 13, 17.

The Private Securities Litigation Reform Act of 1995 (the “PSLRA”) provides a presumption that the “most adequate plaintiff” to represent the interests of class members is the person or group that, among other things, has “the largest financial interest in the relief sought by the class.” 15 U.S.C. § 77z-1(a)(3)(B)(iii)(I). Having reviewed the competing motions and supporting papers provided by the other movants seeking appointment as lead plaintiff, it appears that Mr. McLendon does not possess the “largest financial interest in the relief sought by the class” as required by the PSLRA. As such, Mr. McLendon does not oppose the lead plaintiff motions of movants with larger financial interests.

However, if the Court determines that the lead plaintiff movants with financial interests larger than that of Mr. McLendon are incapable or inadequate to represent the class in this litigation, Mr. McLendon remains willing and able to serve as lead plaintiff or as a class representative. By this Notice of Non-Opposition, Mr. McLendon does not waive his rights to participate and recover as a class member in this litigation.

Dated: October 20, 2022

Respectfully submitted,

By: s/ Marvin A. Miller
Marvin A. Miller
MILLER LAW LLC
115 S. LaSalle Street, Suite 2910
Chicago, IL 60603
Telephone: (312) 332-3400
mmiller@millerlawllc.com

Liaison Counsel for Brandon McLendon

Robert V. Prongay
Charles H. Linehan
Pavithra Rajesh
GLANCY PRONGAY & MURRAY LLP
1925 Century Park East, Suite 2100
Los Angeles, CA 90067
Telephone: (310) 201-9150
Facsimile: (310) 201-9160

Counsel for Brandon McLendon

Howard G. Smith
LAW OFFICES OF HOWARD G. SMITH
3070 Bristol Pike, Suite 112
Bensalem PA 19020
Telephone: (215) 638-4847
Facsimile: (215) 638-4867

Additional Counsel